

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2007 DEC 14 AM 9:28

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose De Jesus ROSAS-Mancilla

Defendant.

Magistrate Case No. **07 MJ 2893**

BY KNH
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326


Attempted Entry After

Deportation (Felony)

The undersigned complainant being duly sworn states:

On or about **December 12, 2007**, within the Southern District of California, defendant **Jose De Jesus ROSAS-Mancilla**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara M. Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 14th DAY OF
December 2007.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On December 12, 2007 at approximately 10:42 PM, **Jose De Jesus ROSAS-Mancilla (Defendant)** was apprehended at the San Ysidro Port of Entry attempting to elude inspection hidden in a trunk of a '91 Honda Accord. A Customs and Border Protection (CBP) Officer discovered Defendant while the Officer was conducting primary inspectional duties on vehicle primary lane 16. All occupants of the vehicle were escorted to secondary for a more thorough inspection.

In secondary, Defendant's fingerprints were obtained and queried utilizing the Integrated Automated Fingerprint Identification System (IAFIS) verifying Defendant's identity and criminal record. Defendant was identified as a criminal alien previously removed from the United States. Defendant was referred to the Prosecution Unit for further processing.

Immigration records reflect Defendant to be a citizen of Mexico without legal right to enter the United States. Defendant was removed from the United States to Mexico, afoot, on or about September 26, 2001 via Nogales, Arizona. All records indicate Defendant has not applied for or received permission from the Attorney General or his designated successor to re-enter the United States.

Defendant was advised of his Miranda rights and agreed to submit to questioning without benefit of counsel. A videotaped interview was obtained with the following declaration: Defendant admitted he is a citizen of Mexico by birth in Tonaya, Jalisco, Mexico and that he does not have legal documents to enter or reside in the United States. Defendant also declared that he has been formally removed from the U.S. on at least two prior occasions with his most recent removal occurring on or about June 13, 2007. Defendant has not applied for nor received authorization to re-enter the United States. Defendant said he attempted to effect illegal entry into the U.S. in an effort to re-establish residency in Arbutle, California.